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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/446,951 02/28/00 DAVIS

S 8697-001-27P

PM82/1124

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EXAMINER

CUFF, M

ART UNIT

PAPER NUMBER

3611

DATE MAILED:

11/24/00 9

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/446,951</b>	Applicant(s) <b>Davis</b>
	Examiner <b>Michael Cuff</b>	Group Art Unit <b>3611</b>

Responsive to communication(s) filed on 2 Nov 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-33 is/are pending in the application.

Of the above, claim(s) 6-33 is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-5 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Claims 6-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8, filed 11/2/00.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, recites “a conventional gooseneck”. The term “conventional” is not a definite modifier and makes the claim unclear.

Claim 3, recites “a Hayman Reece” towing hitch. “Hayman Reece” is a type of hitch which is indefinite and makes the claim unclear.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Tarvin.

Tarvin shows, figures 1 and 4, detachable folding camper steps with step plate 10 and lower step plate 28 (a step portion). Standard hitch pin 16 (a threaded stud) passes through aperture 22 on the vehicle to attach the steps. Figure 4 shows the motion of step plate 28 to and from an in-use position and a stowed position.

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Beasley.

Beasley shows, figure 1, a step with a mounting portion which can engage a tubular socket.

7. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Brammer.

Brammer shows, figures 2 and 7, a foldable bumper step where the steps 22 and 32 (step portion) are pivotally mounted (hinged) to flat mounting plate 34 (mounting portion). Figure 2 shows the in use position and figure 7 shows the stowed position such that the hitch may be undone.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Northrop, Springer, Klemp, and Mitchell show step attachments of interest.

9. Any inquiry concerning this communication should be directed to Michael Cuff at telephone number (703) 308-0610.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 305-7687.

*J. J. Swann*

J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
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*Michael Cuff* 11/17/00  
Michael Cuff  
November 17, 2000